

By: Senator(s) Michel, McLendon, Sparks,
Boyd

To: Insurance; Judiciary,
Division A

SENATE BILL NO. 2530

1 AN ACT TO CREATE THE PEER-TO-PEER CAR SHARING PROGRAM ACT; TO
2 AUTHORIZE VEHICLE OWNERS AND DRIVERS TO USE A BUSINESS PLATFORM
3 FOR THE SHARING OF VEHICLES FOR FINANCIAL CONSIDERATION; TO
4 PROVIDE FOR DEFINITIONS RELATED TO THE ACT; TO PROVIDE THAT A
5 PEER-TO-PEER CAR SHARING PROGRAM SHALL ASSUME LIABILITY OF A
6 SHARED VEHICLE OWNER FOR CERTAIN INJURIES OR DAMAGE WITH CERTAIN
7 EXCEPTIONS; TO REQUIRE CERTAIN NOTIFICATIONS TO SHARED VEHICLE
8 OWNERS ABOUT THE USE OF THEIR VEHICLE; TO PROVIDE THAT AN
9 AUTHORIZED MOTOR VEHICLE LIABILITY INSURER MAY EXCLUDE CERTAIN
10 COVERAGE IN SHARED VEHICLE OWNERS' INSURANCE POLICIES; TO REQUIRE
11 A PEER-TO-PEER CAR SHARING PROGRAM TO COLLECT AND VERIFY RECORDS
12 PERTAINING TO THE USE OF A SHARED VEHICLE; TO EXEMPT A
13 PEER-TO-PEER CAR SHARING PROGRAM AND A SHARED VEHICLE OWNER FROM
14 VICARIOUS LIABILITY; TO PROVIDE THAT AN AUTHORIZED MOTOR VEHICLE
15 LIABILITY INSURER MAY HAVE CERTAIN INDEMNITY RIGHTS; TO PROVIDE
16 THAT A PEER-TO-PEER CAR SHARING PROGRAM SHALL HAVE AN INSURABLE
17 INTEREST IN A SHARED VEHICLE DURING THE CAR SHARING PERIOD; TO
18 REQUIRE A CAR SHARING PROGRAM AGREEMENT TO HAVE CERTAIN CONSUMER
19 PROTECTION DISCLOSURES; TO REQUIRE A PEER-TO-PEER CAR SHARING
20 PROGRAM TO VERIFY DRIVER'S LICENSES; TO PROVIDE FOR SPECIFIC
21 PROCEDURES REQUIRED OF PEER-TO-PEER CAR SHARING PROGRAMS IN
22 REGARDS TO AUTOMOBILE SAFETY RECALLS; TO PROVIDE THAT THE
23 COMMISSIONER OF INSURANCE SHALL HAVE THE AUTHORITY TO PROMULGATE
24 RULES AND REGULATIONS THAT ARE NECESSARY TO ADMINISTER AND ENFORCE
25 THE PROVISIONS OF THIS ACT PROVIDED THAT SUCH RULES AND
26 REGULATIONS ARE NOT INCONSISTENT WITH THE PROVISIONS OF THIS ACT;
27 TO AMEND SECTIONS 27-19-40, 63-1-67, 77-8-1 AND 27-17-35,
28 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
29 ACT; AND FOR RELATED PURPOSES.

30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:



31 **SECTION 1. Title.** This chapter may be cited as the
32 Peer-to-Peer Car Sharing Program Act.

33 **SECTION 2. Definitions.** For purposes of this chapter,
34 unless the context requires otherwise, the following terms shall
35 have the meanings ascribed herein:

36 (a) "Car Sharing Delivery Period" means the period of
37 time during which a shared vehicle is being delivered to the
38 location of the car sharing start time, if applicable, as
39 documented by the governing car sharing program agreement.

40 (b) "Car Sharing Period" means the period of time that
41 commences with the car sharing delivery period or, if there is no
42 car sharing delivery period, the period of time that commences
43 with the car sharing start time and in either case ends at the car
44 sharing termination time.

45 (c) "Car Sharing Program Agreement" means the terms and
46 conditions applicable to a shared vehicle owner and a shared
47 vehicle driver that governs the use of a shared vehicle through a
48 peer-to-peer car sharing program.

49 (d) "Car Sharing Start Time" means the time when the
50 shared vehicle becomes subject to the control of the shared
51 vehicle driver at or after the time the reservation of a shared
52 vehicle is scheduled to begin as documented in the records of a
53 peer-to-peer car sharing program.

54 (e) "Car Sharing Termination Time" means the earliest
55 of the following events:



56 (i) The expiration of the agreed upon period of
57 time established for the use of a shared vehicle according to the
58 terms of the car sharing program agreement if the shared vehicle
59 is delivered to the location agreed upon in the car sharing
60 program agreement;

61 (ii) When the shared vehicle is returned to a
62 location as alternatively agreed upon by the shared vehicle owner
63 and shared vehicle driver as communicated through a peer-to-peer
64 car sharing program, which alternatively agreed upon location
65 shall be incorporated into the car sharing program agreement; or

66 (iii) When the shared vehicle owner or the shared
67 vehicle owner's authorized designee, takes possession and control
68 of the shared vehicle.

69 (f) "Peer-to-Peer Car Sharing" means the authorized use
70 of a vehicle by an individual other than the vehicle's owner
71 through a peer-to-peer car sharing program. This term shall not
72 be construed to mean rental car or rental activity.

73 (g) "Peer-to-Peer Car Sharing Program" means a business
74 platform that connects vehicle owners with drivers to enable the
75 sharing of vehicles for financial consideration. This term shall
76 not mean rental car company. An individual or business entity
77 lawfully engaging in a peer-to-peer car sharing program shall not
78 be considered as any of the following:

79 (i) As a "rental company" as that term is defined
80 in Section 27-19-40(4);



81 (ii) As being engaged in renting a motor vehicle
82 to another within the meaning of Section 63-1-67; or

83 (iii) As a "transportation network company" as
84 that term is defined in Section 77-8-1.

85 (h) "Shared Vehicle" means a vehicle that is available
86 for sharing through a peer-to-peer car sharing program.

87 (i) "Shared Vehicle Driver" means an individual who has
88 been authorized to drive the shared vehicle by the shared vehicle
89 owner under a car sharing program agreement.

90 (j) "Shared Vehicle Owner" means the registered owner,
91 or a person or entity designated by the registered owner, of a
92 vehicle made available for sharing to shared vehicle drivers
93 through a peer-to-peer car sharing program. A shared vehicle
94 owner shall not mean a person "renting a motor vehicle to another"
95 as that activity is described in Section 63-1-67.

96 **SECTION 3. Insurance coverage during car sharing period.**

97 (1) Except as provided in subsection (2) of this section, a
98 peer-to-peer car sharing program shall assume liability of a
99 shared vehicle owner for bodily injury or property damage to third
100 parties during the car sharing period in an amount stated in the
101 peer-to-peer car sharing program agreement, provided that the
102 amount shall not be less than that set forth in Section 63-15-43.

103 (2) Notwithstanding the definition of "car sharing
104 termination time" as set forth in this act, the assumption of



105 liability under subsection (1) of this section shall not apply to
106 any shared vehicle owner when:

107 (a) A shared vehicle owner makes an intentional or
108 fraudulent material misrepresentation or omission to the
109 peer-to-peer car sharing program before the car sharing period in
110 which the loss occurred; or

111 (b) Acting in concert with a shared vehicle driver who
112 fails to return the shared vehicle pursuant to the terms of the
113 car sharing program agreement.

114 (3) Notwithstanding the definition of "car sharing
115 termination time" as set forth in this act, the assumption of
116 liability under subsection (1) of this section shall include any
117 bodily injury or property damage losses by damaged third parties
118 as required by Sections 63-15-1 et seq.

119 (4) A peer-to-peer car sharing program shall ensure that,
120 during each car sharing period, the shared vehicle owner and the
121 shared vehicle driver are insured under a motor vehicle liability
122 insurance policy that provides insurance coverage in amounts no
123 less than the minimum amounts set forth in Section 63-15-43; and

124 (a) Recognizes that the shared vehicle insured under
125 the policy is made available and used through a peer-to-peer car
126 sharing program; or

127 (b) Does not exclude use of a shared vehicle by a
128 shared vehicle driver.



129 (5) The insurance described under subsection (4) of this
130 section may be satisfied by motor vehicle liability insurance
131 maintained by:

- 132 (a) A shared vehicle owner;
- 133 (b) A shared vehicle driver;
- 134 (c) A peer-to-peer car sharing program; or
- 135 (d) Both a shared vehicle owner, a shared vehicle
136 driver and a peer-to-peer car sharing program.

137 (6) The insurance described in subsection (5) of this
138 section that is satisfying the insurance requirement of subsection
139 (4) of this section shall be primary during each car sharing
140 period, and in the event that a claim occurs in another state with
141 minimum financial responsibility limits higher than the minimum
142 amounts set forth in Section 63-15-43, during the car sharing
143 period, the coverage maintained under subsection (5) shall satisfy
144 the difference in minimum coverage amounts, up to the applicable
145 policy limits.

146 (7) The insurer, insurers or peer-to-peer car sharing
147 program providing coverage under subsections (4) or (5) of this
148 section shall assume primary liability for a claim when:

- 149 (a) A dispute exists as to who was in control of the
150 shared motor vehicle at the time of the loss and the peer-to-peer
151 car sharing program does not have available, did not retain or
152 fails to provide the information required by Section 8 of this
153 act; or



154 (b) A dispute exists as to whether the shared vehicle
155 was returned to the alternatively agreed upon location.

156 (8) If insurance maintained by a shared vehicle owner or
157 shared vehicle driver in accordance with subsection (5) of this
158 section has lapsed or does not provide the required coverage,
159 insurance maintained by a peer-to-peer car sharing program shall
160 provide the coverage required by subsection (4) of this section
161 beginning with the first dollar of a claim and have the duty to
162 defend such claim except under circumstances as set forth in
163 subsection (2) of this section.

164 (9) Coverage under an automobile insurance policy maintained
165 by the peer-to-peer car sharing program shall not be dependent on
166 another automobile insurer first denying a claim nor shall another
167 automobile insurance policy be required to first deny a claim.

168 (10) Nothing in this act:

169 (a) Limits the liability of the peer-to-peer car
170 sharing program for any act or omission of the peer-to-peer car
171 sharing program itself that results in injury to any person as a
172 result of the use of a shared vehicle through a peer-to-peer car
173 sharing program; or

174 (b) Limits the ability of the peer-to-peer car sharing
175 program to, by contract, seek indemnification from the shared
176 vehicle owner or the shared vehicle driver for economic loss
177 sustained by the peer-to-peer car sharing program resulting from a



178 breach of the terms and conditions of the car sharing program
179 agreement.

180 **SECTION 4. Notification of Implications of Lien.** At the
181 time when a vehicle owner registers as a shared vehicle owner on a
182 peer-to-peer car sharing program and prior to the time when the
183 shared vehicle owner makes a shared vehicle available for car
184 sharing on the peer-to-peer car sharing program, the peer-to-peer
185 car sharing program shall notify the shared vehicle owner that, if
186 the shared vehicle has a lien against it, the use of the shared
187 vehicle through a peer-to-peer car sharing program, including use
188 without physical damage coverage, may violate the terms of the
189 contract with the lienholder.

190 **SECTION 5. Exclusions in motor vehicle liability insurance**
191 **policies.** (1) An authorized insurer that writes motor vehicle
192 liability insurance in the state may exclude any and all coverage
193 and the duty to defend or indemnify for any claim afforded under a
194 shared vehicle owner's motor vehicle liability insurance policy,
195 including, but not limited to:

196 (a) Liability coverage for bodily injury and property
197 damage;

198 (b) Uninsured and underinsured motorist coverage;

199 (c) Medical payments coverage;

200 (d) Comprehensive physical damage coverage; and

201 (e) Collision physical damage coverage.

202 (2) Nothing in this act:



203 (a) Invalidates or limits an exclusion contained in a
204 motor vehicle liability insurance policy, including any insurance
205 policy in use or approved for use that excludes coverage for motor
206 vehicles made available for rent, sharing or hire or for any
207 business use;

208 (b) Invalidates, limits or restricts an insurer's
209 ability under existing law to underwrite any insurance policy; or

210 (c) Invalidates, limits or restricts an insurer's
211 ability under existing law to cancel and nonrenew policies.

212 **SECTION 6. Recordkeeping; use of vehicle in car sharing.**

213 A peer-to-peer car sharing program shall collect and verify
214 records pertaining to the use of a vehicle, including, but not
215 limited to, times used, car sharing period pick-up and drop-off
216 locations, fees paid by the shared vehicle driver and revenues
217 received by the shared vehicle owner and provide that information
218 upon request to the shared vehicle owner, the shared vehicle
219 owner's insurer or the shared vehicle driver's insurer to
220 facilitate a claim coverage investigation, settlement, negotiation
221 or litigation. The peer-to-peer car sharing program shall retain
222 the records for a time period not less than the three-year
223 limitation under Section 15-1-49.

224 **SECTION 7. Vicarious liability.** A peer-to-peer car sharing
225 program and a shared vehicle owner shall be exempt from vicarious
226 liability consistent with 49 USC Section 30106 and under any state



227 or local law that imposes liability solely based on vehicle
228 ownership.

229 **SECTION 8. Contribution against indemnification.** A motor
230 vehicle insurer that defends or indemnifies a claim against a
231 shared vehicle that is excluded under the terms of its policy
232 shall have the right to seek recovery against the motor vehicle
233 insurer of the peer-to-peer car sharing program if the claim is:
234 (a) made against the shared vehicle owner or the shared vehicle
235 driver for loss or injury that occurs during the car sharing
236 period; and (b) excluded under the terms of its policy.

237 **SECTION 9. Insurable interest.** (1) Notwithstanding any
238 other law, statute, rule or regulation to the contrary, a
239 peer-to-peer car sharing program shall have an insurable interest
240 in a shared vehicle during the car sharing period.

241 (2) Nothing in this section creates liability on a
242 peer-to-peer car sharing program to maintain the coverage mandated
243 by Section 3 of this act.

244 (3) A peer-to-peer car sharing program may own and maintain
245 as the named insured one or more policies of motor vehicle
246 liability insurance that provides coverage for:

247 (a) Liabilities assumed by the peer-to-peer car sharing
248 program under a peer-to-peer car sharing program agreement;

249 (b) Any liability of the shared vehicle owner; or

250 (c) Damage or loss to the shared motor vehicle or any
251 liability of the shared vehicle driver.



252 **SECTION 10. Consumer protection disclosures.** (1) Each car
253 sharing program agreement made in the state shall disclose to the
254 shared vehicle owner and the shared vehicle driver:

255 (a) Any right of the peer-to-peer car sharing program
256 to seek indemnification from the shared vehicle owner or the
257 shared vehicle driver for economic loss sustained by the
258 peer-to-peer car sharing program resulting from a breach of the
259 terms and conditions of the car sharing program agreement;

260 (b) That a motor vehicle liability insurance policy
261 issued to the shared vehicle owner for the shared vehicle or to
262 the shared vehicle driver does not provide a defense or
263 indemnification for any claim asserted by the peer-to-peer car
264 sharing program;

265 (c) That the peer-to-peer car sharing program's
266 insurance coverage on the shared vehicle owner and the shared
267 vehicle driver is in effect only during each car sharing period
268 and that, for any use of the shared vehicle by the shared vehicle
269 driver after the car sharing termination time, the shared vehicle
270 driver and the shared vehicle owner may not have insurance
271 coverage;

272 (d) The daily rate, fees, and if applicable, any
273 insurance or protection package costs that are charged to the
274 shared vehicle owner or the shared vehicle driver;

275 (e) That the shared vehicle owner's motor vehicle
276 liability insurance may not provide coverage for a shared vehicle;



277 (f) An emergency telephone number to personnel capable
278 of fielding roadside assistance and other customer service
279 inquiries; and

280 (g) If there are conditions under which a shared
281 vehicle driver must maintain a personal automobile insurance
282 policy with certain applicable coverage limits on a primary basis
283 in order to book a shared motor vehicle.

284 **SECTION 11. Driver's license verification and data**

285 **retention.** (1) A peer-to-peer car sharing program may not enter
286 into a peer-to-peer car sharing program agreement with a driver
287 unless the driver who will operate the shared vehicle:

288 (a) Holds a driver's license issued under Section
289 63-1-5 that authorizes the driver to operate vehicles of the class
290 of the shared vehicle; or

291 (b) Is a nonresident who:

292 (i) Has a driver's license issued by the state or
293 country of the driver's residence that authorizes the driver in
294 that state or country to drive vehicles of the class of the shared
295 vehicle; and

296 (ii) Is at least the same age as that required of
297 a resident to drive; or

298 (c) Otherwise is specifically authorized under Title
299 63, Chapter 1, Mississippi Code of 1972 to drive vehicles of the
300 class of the shared vehicle.



301 (2) A peer-to-peer car sharing program shall keep a record
302 of:

303 (a) The name and address of the shared vehicle driver;

304 (b) The number of the driver's license of the shared
305 vehicle driver and each other person, if any, who will operate the
306 shared vehicle; and

307 (c) The place of issuance of the driver's license.

308 **SECTION 12. Responsibility for equipment.** A peer-to-peer
309 car sharing program shall have sole responsibility for any
310 equipment, such as a GPS system or other special equipment that is
311 put in or on the vehicle to monitor or facilitate the car sharing
312 transaction, and shall agree to indemnify and hold harmless the
313 vehicle owner for any damage to or theft of such equipment during
314 the sharing period not caused by the vehicle owner. The
315 peer-to-peer car sharing program has the right to seek indemnity
316 from the shared vehicle driver for any loss or damage to such
317 equipment that occurs during the sharing period.

318 **SECTION 13. Automobile safety recalls.** (1) At the time
319 when a vehicle owner registers as a shared vehicle owner on a
320 peer-to-peer car sharing program and prior to the time when the
321 shared vehicle owner makes a shared vehicle available for car
322 sharing on the peer-to-peer car sharing program, the peer-to-peer
323 car sharing program shall:



324 (a) Verify that the shared vehicle does not have any
325 safety recalls on the vehicle for which the repairs have not been
326 made; and

327 (b) Notify the shared vehicle owner of the requirements
328 under subsection (2) of this section.

329 (2) (a) If the shared vehicle owner has received an actual
330 notice of a safety recall on the vehicle, a shared vehicle owner
331 shall not make a vehicle available as a shared vehicle on a
332 peer-to-peer car sharing program until the safety recall repair
333 has been made.

334 (b) If a shared vehicle owner receives an actual notice
335 of a safety recall on a shared vehicle while the shared vehicle is
336 made available on the peer-to-peer car sharing program, the shared
337 vehicle owner shall remove the shared vehicle as available on the
338 peer-to-peer car sharing program, as soon as practicably possible
339 after receiving the notice of the safety recall and until the
340 safety recall repair has been made.

341 (c) If a shared vehicle owner receives an actual notice
342 of a safety recall while the shared vehicle is being used in the
343 possession of a shared vehicle driver, as soon as practicably
344 possible after receiving the notice of the safety recall, the
345 shared vehicle owner shall notify the peer-to-peer car sharing
346 program about the safety recall so that the shared vehicle owner
347 may address the safety recall repair.



348 **SECTION 14. Regulations.** The Commissioner of Insurance
349 shall have the authority to promulgate rules and regulations that
350 are necessary to administer and enforce the provisions of this act
351 provided that such rules and regulations are not inconsistent with
352 the provisions of this act.

353 **SECTION 15.** Section 27-19-40, Mississippi Code of 1972, is
354 amended as follows:

355 27-19-40. (1) A motor vehicle dealer or automobile auction
356 may apply to the State Tax Commission for special in-transit tags
357 or plates, which when properly displayed shall authorize the motor
358 vehicle dealer or automobile auction to operate a motor vehicle
359 upon the highways of this state without paying the annual highway
360 privilege tax upon such vehicle and without attaching any other
361 license tag or plate to such vehicle, if:

362 (a) The movement of the motor vehicle is for the
363 purpose of sale of such vehicle to another motor vehicle dealer or
364 automobile auction;

365 (b) The motor vehicle is being moved from the place of
366 business of one motor vehicle dealer or automobile auction to the
367 place of business of another motor vehicle dealer or automobile
368 auction; and

369 (c) The special in-transit tag or plate is displayed in
370 plain view on the motor vehicle in the manner prescribed by the
371 State Tax Commission.



372 (2) A motor vehicle dealer or automobile auction may apply
373 for a temporary tag or plate to be used when a motor vehicle in
374 this state is sold by the motor vehicle dealer or automobile
375 auction to a nonresident of the State of Mississippi or when a
376 motor vehicle is sold by a motor vehicle dealer or automobile
377 auction to a Mississippi resident who may temporarily exit this
378 state before obtaining a Mississippi tag or plate. Such tag or
379 plate when properly displayed shall authorize the purchaser of
380 such a motor vehicle to operate the motor vehicle upon the
381 highways of this state. The temporary tag or plate shall be valid
382 for a period of seven (7) full working days, exclusive of the date
383 of purchase, after the date the motor vehicle is purchased;
384 however, if the temporary tag or plate is issued to a nonresident
385 of the State of Mississippi, the temporary tag or plate shall be
386 valid for the number of days within which the nonresident is
387 required to obtain a permanent motor vehicle license tag or plate
388 by the laws of the nonresident's state of residence.

389 (3) The State Tax Commission shall issue such tags or plates
390 to each motor vehicle dealer or automobile auction who applies for
391 them upon payment of a fee in an amount equal to Two Dollars
392 (\$2.00) for each in-transit tag or plate and Five Dollars (\$5.00)
393 for each temporary tag or plate.

394 (4) Whenever a rental company acquires a vehicle from a
395 dealer by sale or otherwise, the rental company may apply for a
396 temporary tag or plate to be issued by the dealer. Such tag or



397 plate, when properly displayed, authorizes the rental company to
398 operate the motor vehicle upon the highways of this state. The
399 temporary tag or plate is valid for a period of thirty (30) full
400 working days, exclusive of the date of delivery. Any dealer
401 issuing a temporary tag under this subsection may collect from the
402 purchaser requesting the issuance of the temporary tag a fee of
403 Five Dollars (\$5.00). The penalties established under Section
404 27-19-63, are not applicable until after the expiration of the
405 thirty-day period under this subsection. For the purposes of this
406 subsection, the term "rental company" means any person or entity
407 in the business of providing primarily motor vehicles to the
408 public under a rental agreement for a rental period not to exceed
409 thirty (30) days, provided that any person or business entity
410 lawfully engaging in a peer-to-peer car sharing program under the
411 Peer-to-Peer Car Sharing Program Act shall not be considered as a
412 rental company.

413 (5) The tags or plates authorized pursuant to this section
414 shall be designed by the State Tax Commission. The State Tax
415 Commission shall adopt rules and regulations necessary to
416 implement this section, including, but not limited to, rules and
417 regulations establishing procedures for issuing such tags or
418 plates and for the use and display of such tags or plates. Each
419 motor vehicle dealer or automobile auction who is issued tags or
420 plates pursuant to this section shall keep such records as may be
421 required by the State Tax Commission.



422 (6) Any motor vehicle dealer or automobile auction who uses
423 a tag or plate issued pursuant to this section for a purpose that
424 is not authorized by this section shall be guilty of a misdemeanor
425 and, upon conviction thereof, shall be punished by a fine of One
426 Thousand Dollars (\$1,000.00), and the use of all tags or plates
427 issued to such motor vehicle dealer or automobile auction pursuant
428 to this section shall be suspended for a period of one (1) year.

429 (7) As used in this section, the terms "motor vehicle
430 dealer" and "automobile auction" shall have the meanings ascribed
431 to such terms in Section 27-19-303, Mississippi Code of 1972.

432 **SECTION 16.** Section 63-1-67, Mississippi Code of 1972, is
433 amended as follows:

434 63-1-67. (1) No person shall rent a motor vehicle to any
435 other person unless the latter person is then duly licensed under
436 the provisions of this article, or, in the case of a nonresident,
437 then duly licensed under the laws of the state or country of his
438 residence except a nonresident whose home state or country does
439 not require that an operator be licensed.

440 (2) No person shall rent a motor vehicle to another until he
441 has inspected the license of the person to whom the vehicle is to
442 be rented and compared and verified the signature thereon with the
443 signature of such person written in his presence.

444 (3) Every person renting a motor vehicle to another shall
445 keep a record of the registration number of the motor vehicle so
446 rented, the name and address of the person to whom the vehicle is



447 rented, the number of the license of said latter person and the
448 date and place when and where said license was issued. Such
449 record shall be open to inspection by any police officer or
450 officers or employee of the commissioner.

451 (4) The provisions of this section shall not apply to any
452 person or business entity lawfully engaging in a peer-to-peer car
453 sharing program or acting as a shared vehicle owner under the
454 Peer-to-Peer Car Sharing Program Act.

455 **SECTION 17.** Section 77-8-1, Mississippi Code of 1972, is
456 amended as follows:

457 77-8-1. (1) As used in this chapter:

458 (a) "Personal vehicle" means a vehicle that is used by
459 a transportation network company driver and is:

460 (i) Owned, leased or otherwise authorized for use
461 by the transportation network company driver; and

462 (ii) Not a common carrier by motor vehicle,
463 contract carrier by motor vehicle, or restricted motor carrier
464 under Chapter 7, Title 77, Mississippi Code of 1972.

465 (b) "Commissioner" means the Commissioner of Insurance.

466 (c) "Department" means the Mississippi Department of
467 Insurance.

468 (d) "Digital network" means any online-enabled
469 technology application service, website or system offered or
470 utilized by a transportation network company that enables the



471 prearrangement of rides with transportation network company
472 drivers.

473 (e) "Transportation network company" means a
474 corporation, partnership, sole proprietorship, or other entity
475 that is licensed under this chapter and operating in Mississippi
476 that uses a digital network to connect transportation network
477 company riders to transportation network company drivers who
478 provide prearranged rides. A transportation network company shall
479 not be deemed to control, direct or manage the personal vehicles
480 or transportation network company drivers that connect to its
481 digital network, except where agreed to by written contract.

482 (f) "Transportation network company driver" or "driver"
483 means an individual who:

484 (i) Receives connections to potential passengers
485 and related services from a transportation network company in
486 exchange for payment of a fee to the transportation network
487 company; and

488 (ii) Uses a personal vehicle to offer or provide a
489 prearranged ride to riders upon connection through a digital
490 network controlled by a transportation network company in return
491 for compensation or payment of a fee.

492 (g) "Transportation network company rider" or "rider"
493 means an individual or persons who use a transportation network
494 company's digital network to connect with a transportation network



495 driver who provides prearranged rides to the rider in the driver's
496 personal vehicle between points chosen by the rider.

497 (h) "Prearranged ride" means the provision of
498 transportation by a driver to a rider, beginning when a driver
499 accepts a ride requested by a rider through a digital network
500 controlled by a transportation network company, continuing while
501 the driver transports a requesting rider, and ending when the last
502 requesting rider departs from the personal vehicle. A prearranged
503 ride does not include transportation provided using a common
504 carrier by motor vehicle, contract carrier by motor vehicle, or
505 restricted motor carrier under Chapter 7, Title 77, Mississippi
506 Code of 1972. A prearranged ride does not include shared expense
507 carpool arrangements or vanpooling as defined in Section 77-7-7,
508 or any other type of arrangement or service in which the driver
509 receives a fee that does not exceed the driver's costs associated
510 with providing the ride.

511 (2) The provisions of this section shall not apply to any
512 person or business entity lawfully engaging in a peer-to-peer car
513 sharing program under the Peer-to-Peer Car Sharing Program Act.

514 **SECTION 18.** Section 27-17-35, Mississippi Code of 1972, is
515 amended as follows:

516 27-17-35. (1) Upon each person operating a taxicab,
517 U-drive-it, or other forms of renting motor vehicles (for the
518 transportation of persons for hire), whether driven by the person



519 renting same, or by driver furnished by the person operating the
520 station, for each automobile so operated, as follows:

521 In municipalities of class 1.....\$15.00
522 In municipalities of class 2.....\$10.00
523 In municipalities of classes 3, 4, 5, 6, 7, and elsewhere in
524 the county.....\$ 5.00

525 (2) The provisions of this section shall not apply to any
526 person or business entity lawfully engaging in a peer-to-peer car
527 sharing program or acting as a shared vehicle owner under the
528 Peer-to-Peer Car Sharing Program Act.

529 **SECTION 19. Effective date.** This act shall take effect and
530 be in force from and after two hundred and seventy (270) days from
531 the date that the Governor signed the bill, or if the Governor did
532 not sign the bill, then two hundred and seventy (270) days from
533 the date the bill became law absent the Governor's signature.

